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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,171

01/22/2004

Craig E. Matson

37355-214

7839

66569 7590 01/05/2007
FITZPATRICK CELLA (AMEX)
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EXAMINER

WALSH, DANIEL I

ART UNIT

PAPER NUMBER

2876

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/764,171

Applicant(s)

MATSON ET AL.

Examiner

Daniel I. Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Receipt is acknowledged of the IDS received on 6-6-05.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. (US 6,527,171).

Re claim 1, Brooks et al. teaches an ATM with a card reader, display screen, audio port, processor (controller) and outputting simultaneous instructions to the display and audio port (abstract). Though silent to a memory coupled to the processor containing the instructions to be output, the Examiner notes it would have been obvious to one of ordinary skill in the art that in

order to display and output the sound, one would have been obviated to have the information stored in a memory to be quickly and reliably output to the user. As the audio and visual instructions are presented to a user, it would have been obvious for them to be presented simultaneously so that a user can follow them more easily.

3. Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al., as discussed above, in view of Goldman et al. (US 2003/0066876).

The teachings of Brooks have been discussed above.

Re claim 2, Brooks et al. is silent to .wav files. However, the Examiner notes that .wav files are an obvious expedient for an audio format that is widely accepted, used, and of high quality, for storing audio information.

Goldman et al. (US 2003/0066876) teaches storing wav files to be output to an ATM (paragraph [0053]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Brooks et al. with those of Goldman et al.

One would have been motivated to do this in order to have a high quality, widely accepted, easy to use, sound file format for use in ATM systems.

Re claim 3, though Brooks et al. teaches a touch screen display, the Examiner notes that a keypad for input, is an obvious expedient, as an alternate, and widely accepted input means for ATM machines. One might use a keypad over a touch screen for reduction in costs, for tactile feedback, etc.

Re claim 4, Brooks et al. teaches a currency dispenser coupled to the processor (abstract).

Re claim 5, Brooks et al. teaches a deposit receiving means (col 6, lines 57+). Deposit means are conventionally associated with ATMs to permit user deposits. As it is understood that instructions are provided at deposit instances, the Examiner notes it would have been obvious to one of ordinary skill in the art to couple the deposit means to the controller/processor so that content (instruction) can be provided to the customer to assist in completion of the transaction.

Re claim 6, Brooks et al. teaches a receipt means coupled to the processor/controller (abstract).

Re claim 7, as the audio instructions are in a language played to the user, they are interpreted to be in one of a plurality of languages (one).

Re claim 8, the limitations have been discussed above. Though silent to converting the instructions to audio files (.wav), the Examiner notes it is well known and conventional in the art that audio content (such as through a microphone/computer) can be converted into a .wav file for subsequent use in a computer system. As the files are stored, it would have been obvious to load them, so that they are stored. A card reader has been discussed above as a means of detecting use, in addition to insertion of headphones, for example. The Examiner has interpreted the displaying and playing of instructions/content to occur automatically in response to user action.

Re claim 9, .wav files have been discussed above.

Re claim 10, a speaker or headphone set has been discussed above (abstract of Brooks et al.)

Re claims 11-12, detected and authorizing a user is understood to occur upon card insertion and reading of data, as is conventional in the art, in order to securely complete transactions.

Conclusion

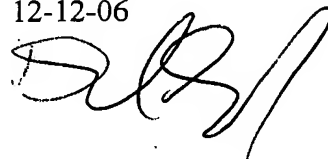
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see attached PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel I Walsh
Examiner
Art Unit 2876
12-12-06



**DANIEL WALSH
PRIMARY EXAMINER**